

**UNITED STATES GOVERNMENT
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 31**

SOUTHERN CALIFORNIA EDISON COMPANY

Employer

and

Case No. 31-RC-8006

LOCAL 47, INTERNATIONAL BROTHERHOOD
OF ELECTRICAL WORKERS, AFL-CIO, CFL^{1/}

Petitioner

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, herein referred to as the Act, a hearing was held before a hearing officer of the National Labor Relations Board, herein referred to as the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

Upon the entire record in this proceeding, the undersigned finds:

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.^{2/}
3. The labor organizations involved claim to represent certain employees of the Employer.
4. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of the Section 9(c)(1) and Section 2(6) and (7) of the Act.

5. The following employees of the Employer constitute a unit appropriate for the purpose of collective bargaining within the meaning of Section 9(b) of the Act:

INCLUDED: Full-time and regular part-time employees who work in the Employer's Customer Communications Organization and the Customer Billing Organization located at its Long Beach, Rancho Cucamonga, Covina, Tulare and Ventura facilities and full-time and regular part-time employees who work in the Employer's 10 Local Office facilities, who are employed in the following classifications: Customer Specialists (1 and 2); Customer Solutions Representatives (1, 2, and 3); Accounting Assistants (1, 2, and 3); and Administrative Aides (1, 2, 3, and 4). Also included are Analysts-Business (1, 2, and 3) and Analysts-Program/Project (1, 2, and 3) in the Customer Communications Organization.

EXCLUDED: Employees already represented by labor organizations, all other employees, confidential employees, guards and supervisors as defined in the Act.^{3/}

DIRECTION OF ELECTION^{4/}

An election by secret ballot shall be conducted by the undersigned among the employees in the unit found appropriate at the time and place set forth in the notice of election to issue subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those in the unit who are employed during the payroll period ending immediately preceding the date of this Decision, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained the status as such during the eligibility period and their replacements. Those in the military services of the United States Government may vote

if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. Those eligible shall vote whether they desire to be represented for collective bargaining purposes by **LOCAL 47, INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS, AFL-CIO, CFL.**

LIST OF VOTERS

In order to assure that all eligible voters may have the opportunity to be informed of the issues in the exercise of their statutory right to vote, all parties to the election should have access to a list of voters and their addresses which may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Co.*, 394 U.S. 759 (1969); *North Macon Health Care Facility*, 315 NLRB 359 (1994). Accordingly, it is hereby directed that an election eligibility list, containing the **FULL** names and addresses of all the eligible voters, must be filed by the Employer with the Regional Director for Region 31 within 7 days of the date of the Decision and Direction of Election. The list must be of sufficiently large type to be clearly legible. This list may initially be used by me to assist in determining an adequate showing of interest. I shall, in turn, make the list available to all parties to the election, only after I shall have determined that an adequate showing of interest among the employees in the unit found appropriate has been established.

In order to be timely filed, such list must be received in the Regional Office, 11150 West Olympic Blvd., Suite 700, Los Angeles, California 90064-1824, on or before **July 5, 2001**. No extension of time to file this list may be granted, nor shall the filing of a request for review operate to stay the filing of such list except in extraordinary circumstances. Failure to comply with this requirement shall be grounds for setting aside

the election whenever proper objections are filed. The list may be submitted by facsimile transmission. Since the list is to be made available to all parties to the election, please furnish a total of 2 copies, unless the list is submitted by facsimile, in which case no copies need be submitted. To speed the preliminary checking and the voting process itself, the names should be alphabetized (overall or by department, etc.).

RIGHT TO REQUEST REVIEW⁵/

Under the provision of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, DC 20570. This request must be received by the Board in Washington by July 11, 2001.

DATED at Los Angeles, California this 27th day of June, 2001.

/s/ James J. McDermott
James McDermott, Regional Director
National Labor Relations Board
Region 31

FOOTNOTES

- 1/ The name of the Petitioner appears as corrected at the Hearing.
- 2/ The Employer, Southern California Edison Company, is a privately owned public utility, with places of business located throughout the State of California. It also does business in Nevada. It is, *inter alia*, engaged in the generation and sale of electrical energy and technology. Within the past 12 months, a representative period, the Employer has received revenues from the sale of electrical energy in excess of \$250,000 and purchased and received in California materials valued in excess of \$50,000 directly from suppliers located outside the State of California. The Employer, therefore, meets both the statutory requirements and the Board's discretionary standards for asserting jurisdiction. See, *Kingsbury Electric Cooperative*, 138 NLRB 577 (1962); *Sioux Valley Empire Elec. Ass'n.*, 122 NLRB 92 (1958).
- 3/ The Employer is a privately owned public utility that sells and distributes electricity to approximately 4.3 million customers. The Petitioner seeks to represent employees in a unit comprised of Customer Specialists, Customer Solutions Representatives, and Administrative Aides who work in its Customer Communications Organization at facilities in Long Beach and Rancho Cucamonga and the Customer Specialists who work in what are referred to as ten "local offices." The local offices are located in the outlying areas of Yucca Valley, Blythe, Barstow, Ridgecrest, Kernville, Arrowhead, Bishop, Mammoth, Techaphi, and Shaver Lake. The Employer presented into evidence a chart of its proposed unit showing the number of employees in each classification at each location. According to that chart, there are approximately 317 employees in the classifications of Customer Specialist, Customer Solutions Representative and Administrative Aide in the Customer Communications Organization at the Long Beach facility and approximately 354 employees in those classifications at the Rancho Cucamonga facility. There are approximately 24 Customer Specialists at

the local offices. The Customer Specialists are classified as Customer Specialist 1 or 2; the Customer Solutions Representatives are classified as Customer Solutions Representative 1, 2, or 3; and the Administrative Aides are classified as Administrative Aides 1, 2, 3 or 4 (Administrative Aides 4 are called Administrative Assistants). There are approximately 695 employees in the petitioned-for unit.

The Employer's operations are organized on a functional, rather than a geographical basis. The two major operational business units are the Customer Service Business Unit and the Transmission and Distribution Business Unit. Both the Customer Communications Organization and the Customer Billing Organization are encompassed within the Mass Customer Division, which is a sub-division of the Customer Service Business Unit. The Vice-President, Mass Customers is the lowest level of common supervision/management between the Customer Communication Organization and the Customer Billing Organization. The Customer Specialists who work in the local offices are part of the Transmissions and Distribution Business Unit, rather than the Customer Service Business Unit.

The Employer asserts that the petitioned-for unit is inappropriate because it does not include employees in the Customer Billing Organization classified as Accounting Assistants and Customer Solutions Representatives, whose work is similar to and integrated with the work of the employees in the petitioned-for unit. These employees in the Customer Billing Organization work at a facility in Covina, as well as at the Rancho Cucamonga facility. In addition, there are 12 Accounting Assistants currently located in Tulare and Ventura who have been notified that they will be relocated to the Rancho Cucamonga facility in August 2001. The Employer also asserts that the unit must include employees in both the Customer Communications Organization and the Customer Billing Organization who are classified as Analysts-Business and Analysts-Program/Project. The Petitioner has agreed that if I determine that the employees in the Customer

Billing Organization should be included in the Unit, then the Administrative Aides in that organization should also be included.

In 1995, I issued a Decision and Direction of Election in Case 31-RC-7303, which involved the same parties. In that case, the Petitioner sought a unit comprised only of the customer service employees in three job classifications at the San Bernardino call center. I found the petitioned-for unit to be inappropriate and directed an election in a systemwide unit comprised of the Employer's employees in its Customer Billing Organization and Customer Communications Organization at call centers in San Bernardino (which has since relocated to Rancho Cucamonga) and Long beach and at 53 business offices (which have now been reduced to the 10 local offices). In 1996, the Employer streamlined its job classifications and many of the job titles were changed. Notwithstanding the different job titles, the record reveals that the employees at issue in this proceeding are essentially the same as the employees at issue in the proceeding in 1995.

**CUSTOMER COMMUNICATIONS ORGANIZATION EMPLOYEES
AND EMPLOYEES AT THE LOCAL OFFICE FACILITIES**

The Customer Communications Organization, which is located in Long Beach and Rancho Cucamonga, is responsible for communications with customers about service and billing inquiries. The employees in the Customer Communications Organization receive inquiries from customers over the telephone, over the internet, and through correspondence. The employees receive telephone calls by way of an automated telephone distribution system that refers calls without regard to whether the employee is located at the Rancho Cucamonga or the Long Beach facility.

There are three managers in the Customer Communications Organization who report to the Manager of the Customer Communications Organization: the Quality Assurance Manager; the Operations Manager 2; and the Business Support Manager 2. The Customer Specialists and Customer Solutions Representatives work under

supervisors and managers who report to the Operations Manager 2. The Accounting Assistants and the Administrative Aides work under a supervisor, who reports to the Business Support Manager 2. The Analysts-Program/Project and the Analysts-Business work under the Quality Assurance Manager.

As noted above, the Petitioner seeks to represent a unit comprised of Customer Specialists, Customer Solutions Representatives and Administrative Aides in the Customer Communications Organization, as well as Customer Specialists who work in 10 local office facilities. Within the Customer Communications Organization, the Customer Specialists work with residential customers and the Customer Solutions Representatives work with commercial and industrial customers, as well as with more complex residential accounts. The Customer Specialists and the Customer Solutions Representatives take and process orders to turn service on or off; answer billing questions; process requests to change billing rates; make minor billing corrections; work on account maintenance (such as updating customer information); prepare statements that list billing and payment history; make credit/payment arrangements (such as granting extensions on payment due dates or issuing “policy” billing adjustments); issue requests to field service representatives for meter read information; process returned mail; and take emergency or trouble outage orders.

CUSTOMER SPECIALISTS

The Customer Specialists 1 are newly-hired employees. They receive a 10-week training course which consists of four modules: 1) processing turn on/turn off and transfer orders; 2) handling emergency outage orders; 3) handling credit issues (including payment arrangements, extensions of payment due dates, explaining the parts of the bills, and disconnect/reconnect matters); and 4) handling billing inquiries. During the billing training, the Customer Specialists receive information about conservation, appliance usage, rates, load management and customer behavior. The Customer Specialists 1 are trained to use the Employer’s Customer Information System (“CIS”) and the newer Customer Service System

(“CSS”). The Customer Specialists 1 only respond to phone inquiries and only work on simpler residential accounts.

The Customer Specialists 2 are those Customer Specialists who have at least one year of experience. They receive additional training and can handle more complicated transactions. Some of the Customer Specialists 2 work in an “off-line support group.” The members of this group do not regularly work on the telephones. They work on returned mail, respond to inquiries received through the internet and correspondence, work on matters arising from the Catalina Gas and Electric area, and help other employees who need assistance while on a telephone call. There are Customer Specialists 2 who work as billing inquiry specialists. They handle the more complicated residential billing inquiries. Calls are referred to them through the CSS. They receive special training in load management and billing rates. Some of the additional training they receive is similar to the training received by employees in the Customer Billing Unit.

CUSTOMER SPECIALISTS ASSIGNED TO LOCAL OFFICES

There are 24 employees classified as Customer Specialist 1 or Customer Specialist 2 who are assigned to work in the local offices. The Customer Specialists in the local offices work on residential accounts, doing the same type of work as the employees in the call centers. They use the CSS to handle customer inquiries. However, the majority of their work arises from inquiries made by customers who walk into the local offices, rather than from customers who call the call centers. As noted above, these employees are not in the Customer Communications Organization. Nevertheless, both the Employer and the Petitioner agree that the Customer Specialists assigned to the local offices should be included in the unit. I conclude that they share a community of interest with the other employees in the unit and, therefore, I shall include them the unit.

CUSTOMER SOLUTIONS REPRESENTATIVES

The Customer Solutions Representatives in the Customer Communications Organization handle the same types of transactions as the Customer Specialists, except that they work with commercial and industrial customers. Their work is more complicated than that of the Customer Specialists because the commercial and industrial customers have more complex billing rate systems and more complicated load management issues, involving sophisticated lighting, heating, air conditioning and refrigeration systems. The Customer Solutions Representatives receive additional training in billing. The Customer Solutions Representatives 2 manage the larger, more complicated, accounts. Although they spend much time on the telephone, in contrast to the Customer Solutions Representatives 1, they do not generally receive their calls through a call distribution system. They usually receive their telephone calls as referrals from other employees, or as a return telephone call from a customer. During busy peak times, they may also handle general telephone calls. The Customer Solutions Representatives research complicated billing matters, such as analyzing billing rates to determine the most advantageous rate for a customer.

ACCOUNTING ASSISTANTS AND ADMINISTRATIVE AIDES

The Petitioner and the Employer both agree, and I find, that the Administrative Aides, who who work in direct support of the Customer Specialists and Customer Solutions Representatives, should be included in the Unit.

There are two Accounting Assistants in the Customer Communication Organization. They work with information through the CSS, similar to the Billing Inquiry Specialists within the Customer Communication Organization and similar to employees in the Customer Billing Organization. They interface with Customer Specialists and Customer Solutions Representatives through the CSS. They perform functions such as the processing of refund checks. Although the Employer includes the Accounting Assistants in the Customer Communication Organization in its proposed unit, it does not appear that the Petitioner has taken a position with respect to them. I conclude that they share a community of interest

with the other employees in the Customer Communication Organization and I shall include them in the Unit.

CUSTOMER BILLING ORGANIZATION

The Customer Billing Organization is primarily responsible for the resolution of more complex billing problems. There is a Manager of the Customer Billing Organization. Under him, there is a Manager of Retail Billing and a Manager of Metering Operations. The Manager of Retail Billing is responsible for major customer billing, which is based in Covina, and mass customer billing, which is based in Rancho Cucamonga. There are four managers who report to the Manager of Metering Operations. They oversee the following departments, all of which are based in Covina: Metering Operations Administration; Interval Data Management; Re. Protection Billing; and Order Processing.

At the Rancho Cucamonga facility, in the Customer Billing Unit, there are approximately 22 Customer Solutions Representatives, 83 Accounting Assistants (including the 12 who are currently located at facilities in Tulare and Ventura, who will be relocated to the Rancho Cucamonga facility on August 6, 2001), 11 Administrative Aides and 4 analyst employees. At the Covina facility, in the Customer Billing Unit, there are approximately 36 Customer Solutions Representatives, 13 Accounting Assistants, 2 Administrative Aides and 21 analyst employees. The Customer Solutions Representatives are classified as Customer Solutions Representatives 1, 2 or 3; the Accounting Assistants are classified as Accounting Assistants 2 or 3, the Administrative Aides are classified as Administrative Aides 1, 2, 3 or 4 (Administrative Aides 4 are called Administrative Assistants) and the analyst employees are classified as Analyst-Business 1, 2, or 3 or Analyst-Program/Project 1, 2 or 3.

The position of Accounting Assistant in the Customer Billing Organization is similar to the position of Customer Specialist in the Customer Communications Organization and the position of Customer Solutions Representative in the

Customer Billing Organization is similar to the position of Customer Solutions Representative in the Customer Communications Organization. The Accounting Assistants work with residential customers and the Customer Solutions Representatives work with commercial/industrial/agricultural customers.

Many of the tasks performed by Customer Specialists and Customer Solutions Representatives in the Customer Communications Organization are also performed by the Account Assistants and Customer Solutions Representatives in the Customer Billing Organization. Thus, the employees in the Customer Billing Organization may process turn-on and turn-off orders that arise in connection with meter orders. Calls to turn on service for a commercial account may come into the Customer Communication Organization. Although a Customer Solutions Representative in the Customer Communication Organization may handle the matter, if it involves a more complex account, it would be directed to the Customer Billing Organization for action. Requests to turn off service may come into the Customer Communication Organization by way of a telephone call from a customer, or the order may be given directly to the Customer Billing Organization by a field service representative who notices that a property is vacant. Requests for extensions of time in which to make payments or for other payment arrangements may come into and be handled by either the Customer Communications Organization or the Customer Billing Organization.

Similarly, employees in the Customer Billing Organization, like employees in the Customer Communications Organization, can make billing adjustments, perform account maintenance, handle returned mail, issue requests to the field operations for meter read information, initiate and process rate changes, grant policy adjustments, and provide statements of usage and billing/payment histories. Although employees in both the Customer Communications Organization and the Customer Billing Organization perform these similar tasks on a daily basis, the employees in the Customer Billing Organization do spend more of their time

working on billing matters. The Customer Billing Organization performs eighty percent of the billing corrections.

DISCUSSION

The Act does not require that a bargaining unit be the most appropriate unit, only that it be *an* appropriate unit. Moreover, the unit sought by the union-petitioner is always a relevant consideration. *Lundy Packing Co.*, 314 NLRB 1042, 1043 (1994). However, in the public utility industry, the Board has long held that systemwide units are optimal, notwithstanding the fact that the union seeks to represent employees in a smaller unit. *New England Telephone & Telegraph Co.*, 280 NLRB 162, 164 (1986), citing *New England Telephone & Telegraph Co.*, 90 NLRB 639 (1950), *Baltimore Gas & Electric Co.*, 206 NLRB 199 (1973), and *Gulf States Telephone Co.*, 118 NLRB 1039 (1957). As the Board noted in *Baltimore Gas & Electric*,

That judgment has plainly been impelled by the economic reality that the public utility industry is characterized by a high degree of interdependence of its various segments and that the public has an immediate and direct interest in the maintenance of the essential services that his industry alone can adequately provide. The Board has therefore been reluctant to fragmentize a utility's operations...

Nevertheless, the Board's preference for systemwide units at public utilities is not an absolute prohibition of smaller units. *PECO Energy Co.*, 322 NLRB 1074, 1079-1080 (1997). The Board will find a less than systemwide unit to be appropriate when there is no history of bargaining on a broader basis for the requested employees, the employees work in a distinct administrative or geographic subdivision, and the employees enjoy a community of interest sufficient to make separate bargaining for them a feasible undertaking. *Southern California Water Company*, 228 NLRB 1296 (1977). The Board considers whether a less than systemwide unit would disturb the employer's ability to perform its necessary functions. *Arizona Public Service Co.*, 256 NLRB 400, 401 (1981).

Although there is no history of bargaining involving the unit at issue herein, there is a history of systemwide bargaining in other units of the Employer's employees. The Petitioner represents a systemwide unit of approximately 4100 employees who work with electrical transmission, electrical distribution, hydro and steam generation, field service and support. Also, the Utility Workers Union of America, Local 246 represents a systemwide unit of approximately 850 employees who work with steam, coal and nuclear generation. In addition to these two systemwide units, there is a small unit of employees represented by the Teamsters in Catalina, in a unit existing at the time the Employer took over that operation, and a small unit of firefighters at San Onofre.

The employees in the petitioned-for unit do not service customers in any distinct geographical area. Although the employees in the Customer Communications Organization at the Rancho Cucamonga and Long Beach facilities are in the same administrative unit, the employees located at the local offices are in a completely different business unit.

With respect to community of interest, I conclude that the petitioned-for employees in the Customer Communication Organization and the employees assigned to the local offices do not enjoy a sufficiently distinct community of interest from the employees in the Customer Billing Organization to warrant a separate bargaining unit. In reaching this conclusion, I particularly considered the following factors: degree of functional integration; contact among the employees; similarity of job functions; similarity in qualifications, training and skills required; interchangeability between the employees; and the similarity of fringe benefits and other terms and conditions of employment.

The work of the employees in Customer Communications Organization is functionally integrated with the work of the employees in the Customer Billing Organization. On a daily basis, employees in Customer Communications Organization receive inquiries that are directed to the Customer Billing

Organization for follow up. The work may be directed from the Customer Communications Organization to the Customer Billing Organization by way of the CSS, by e-mail, by telephone, or by personal delivery. The Customer Billing Organization receives work orders from the Customer Communication Organization that involve more complicated billing corrections, such as multi-month rebills. There may be continued interaction between the Customer Communications Organization employees and the Customer Billing Organization employees in the course of resolving the problem. The employees in the two organizations also interact on a regular basis when employees in the Customer Communications Organization need information from the Customer Billing Organization concerning a rate analysis or need clarification of a bill correction.

The Customer Service Representatives and Accounting Assistants in the Consumer Billing Organization perform many of the same tasks as the Customer Solutions Representatives and Customer Specialists in the Customer Communication Organization. The employees in both of these organizations process turn-on and turn-off requests; process rate changes; make billing corrections; perform account maintenance; make credit arrangements; issue policy adjustments; issue orders to field representatives and meter readers; prepare billing statements; and process returned mail.

At various times, employees from the Customer Communications Organization work with employees from the Customer Billing Organization on joint projects. For example, they worked together on an "APEX" team project which created appropriate messages to be printed on bill corrections. Employees from the Customer Communications Organization work with employees in the Customer Billing Organization in connection with mass billing corrections. When this happens, the Customer Communications Organization employees are informed about it by the Customer Billing Organization so that they can communicate with the customers concerning the problem. For example, at a point in time there was a problem with the programming of the "time-of-use" metering system. A group of

employees were pulled together to work on the problem. The group included employees from the Customer Billing Organization, as well as employees from the Customer Communications Organization.

The employees in both the Customer Communications Organization and the Customer Billing Organization receive similar training and possess similar skills. Much of the training received by Customer Solutions Representatives in the Customer Communication Organization is the same as the training received by the Customer Solutions Representatives in the Customer Billing Organization. The employees in both organizations share common knowledge concerning the Employer's rates and tariffs and the employees in both groups possess similar skills in connection with the use of the Employer's information systems: the CIS and the newer CSS, which is in the process of replacing the CIS.

There is significant interchange of employees between the Customer Communications Organization and the Customer Billing Organization. The Customer Communications Organization borrows employees from the Customer Billing Organization when they need additional staffing. For example, in March of this year, when the Employer experienced massive customer phone calls as a result of rolling blackouts, the Customer Communications Organization borrowed employees from the Customer Billing Organization to assist with the calls. The Customer Communications Organization also has borrowed employees from the Customer Billing Organization to handle phone calls during emergencies, such as earthquakes and storms, and during other unexpected large-scale power outages.

Similarly, the Customer Billing Organization borrows employees from the Customer Communications Organization when they need additional help. During the approximately 18-month period of time prior to the hearing in this proceeding, the Customer Billing Organization borrowed the equivalent of 1460 person days from the Customer Communications Organization. For example, the Customer Billing Organization currently is borrowing two Customer Communications

Organization employees each day to assist with the processing of mail from the Customer Billing Organization returned by the United States Postal Service as non-deliverable. Moreover, at the time of the hearing, employees from the Customer Communications Organization were working with employees in the Customer Billing Organization in connection with applications for low-income rate reductions, pursuant to the "CARE" program. The CARE applications generally are sent directly to the Customer Billing Organization. However, questions concerning the program and requests for applications often come into the Customer Communications Organization. At the time of the hearing, six to ten Customer Solutions Representatives in the Customer Communications Organization who are classified as Billing Inquiry Specialists were being loaned to the Customer Billing Organization for four to five hours a day to assist in processing these applications.

The Customer Billing Organization also has used Customer Communications Organization employees on a longer-term basis in the past. In 1998, when there was a delayed billing problem due to the Employer's initiation of the CSS, 12 to 20 Customer Communications Organization employees assisted the Customer Billing Organization for 6 to 9 months. The Customer Communications Organization and the Customer Billing Organization are able to easily borrow employees from each other because the employees have similar skills and are experienced in performing similar work.

Employees in both the Customer Communications Organization and the Customer Billing Organization use similar equipment and work with the same information systems. They have access to the same customer information through the CIS and CSS systems, which they use to access, retrieve and input information that becomes immediately available to the other employees. They also use the systems to communicate with each other. Employees in both organizations also have access to an on-line reference guide called "FETCH." Employees in the Customer Communications Organization can use FETCH to determine the backlog in the

Customer Billing Organization for particular work. In addition, employees in both organizations have access to the Employer's intranet system, called EDNA. Although there are separate newsletters for the Customer Communications Organization and the Customer Billing Organization, the newsletters for each organization are available to employees in the other organization. Employees in both organizations use similar software, such as the Encost software, that is used to compare different rate plans for complex accounts.

The majority of the employees at issue in the Customer Communications Organization and the majority of the employees at issue in the Customer Billing Unit work at the Rancho Cucamonga facility. In fact, they work on the same floor of that facility. They share a common lunch/break room, and use the same parking lot, and the same training and multi-purpose rooms. These employees also participate in joint social and charitable activities.

The Employer has a centralized corporate labor relations department and human resources department. The human resources department is involved in the implementation of all disciplinary actions. All non-represented employees are subject to the same personnel policies and procedures and receive the same benefits, including vacation, health, and pension. The Customer Specialists and the Customer Solutions Representatives in the Customer Communications Organization at Rancho Cucamonga are scheduled to work three shifts, 24 hours a day, seven days a week. The Customer Communications Organization employees assigned to Long Beach are scheduled to work over two shifts, a day shift and a swing shift. The employees in the Customer Billing Organization and the employees assigned to the local offices work day shifts, Monday through Friday.

Job opportunities are posted systemwide so that employees in both the Customer Communications Organization and the Customer Billing Organization are notified about job openings in both units and can apply for promotional opportunities in either unit. The employees in the same job classifications are paid pursuant to the

same salary range, regardless of whether they are in the Customer Communications Organization or the Customer Billing Organization.

There is a natural progression of employees from the Customer Communications Organization to the Customer Billing Organization. In fact, over half of the current employees in the Customer Billing Organization who are classified as Customer Solutions Representative, Accounting Assistant, Analyst Program/Project, or Analyst-Business had previously worked in the Customer Communications Organization.

I do note that there is no common supervision or management between the employees in the Customer Communication Organization and the Customer Billing Organization below the level of Vice-President for Mass Customers. However, the employees in both organizations, like all unrepresented employees of the Employer, are governed by the same personnel policies and procedures and the centralized human relations department is involved in disciplinary matters for all these employees.

In my previous Decision and Direction of Election, I found that the employees in the Customer Communications Organization and the Customer Billing Organization share a community of interests to such an extensive degree as to warrant a systemwide unit. The record in this proceeding does not reveal any changes that warrant a different result herein. To the contrary, the record herein establishes a strong community of interest between the employees in both organizations. Moreover, given the integrated nature of the operations and the significant amount of interchange of employees, the record fails to establish that a separate unit could be established without involving disturbance of the Employer's ability to perform its necessary function. *Arizona Public Service Co.*, 256 NLRB at 401. Therefore, I conclude that the employees in the Customer Billing Organization must be included in the Unit.

EMPLOYEES CLASSIFIED AS ANALYSTS

ANAYLYSTS IN CUSTOMER COMMUNICATION ORGANIZATION

The Petitioner does not seek to represent the employees within the Customer Communications Organization who are classified as Analyst-Business 1, 2, or 3 or as Analyst-Program/Project 1, 2, or 3. For convenience, I will refer to these employees as Business Analysts 1, 2, or 3 and as Program/Project Analysts 1, 2, or 3.

BUSINESS ANALYSTS

In the Customer Communication Organization, there currently are three employees classified as Business Analysts 2 at the Long Beach facility and three such employees at the Rancho Cucamonga facility. There currently are no employees classified as Business Analyst 1 or Business Analyst 3. The Business Analyst 2 employees have extensive knowledge concerning the CSS. They attend training with the Customer Specialists and Customer Solutions Representatives on matters such as new billing rates or CSS enhancement. They research system issues, such as problems encountered by Customer Solutions Representatives or Customer Specialists in processing certain orders. They also work with the Customer Billing Organization employees on new CSS modifications. In addition, they handle difficult calls, which are referred to as “escalated calls,” that are referred to them by others. Most of these escalated calls relate to billing matters. They work with the CSS to correct accounts when necessary. During periods of high call volume, the employees classified as Business Analyst 2 are used to handle general calls. Generally, the Business Analyst employees in the Customer Communications Organization have advanced from positions as Customer Specialists and Customer Solutions Representatives.

PROGRAM/PROJECT ANALYSTS

In the Customer Communication Organization, there are five employees classified as Program/Project-Analyst 1 at the Long Beach facility and three such employees

at the Rancho Cucamonga facility. There currently are no employees classified as Program/Project Analyst 2 or 3 in the Customer Communications Organization. The Program/Project Analysts work as quality assurance representatives. They monitor five calls per month for each Customer Specialist and Customer Solutions Representative. They meet with these employees to coach them and assist in identifying training they may want to schedule. The Program/Project Analysts complete monitoring forms that are submitted to supervisors who meet with the Customer Specialists and Customer Solutions Representatives on a monthly basis. There is no evidence that the actions of the Program/Project Analysts in monitoring calls has any direct effect on wages, hours, and/or terms and conditions of employment of other unit employees.

The Program/Project Analysts also work at least five-to-ten hours each month taking calls in order to keep up their skills in utilizing the CSS. On Mondays, which are high-call volume days, they work taking calls from residential and/or commercial-industrial customers. The Program/Project Analysts often advance to that position from Customer Specialist and/or Customer Solutions Representative positions.

The work of the analysts within the Customer Communication Organization is functionally related to the work of the Customer Specialists and the Customer Solutions Representatives. There is a significant degree of interaction between these employees. Moreover, at times, the analysts perform the same work performed by the Customer Specialists and Customer Solutions Representatives. The analysts share common skills and knowledge with the Customer Solutions Representatives and the Customer Specialists. The analysts receive training similar to that received by the other unit employees. In addition, they share a common work environment with unit employees and are work under the same employer-wide personnel policies and procedures and receive the same benefits as the other employees in the unit. Therefore, I shall include the analysts in the Customer Communications Organization in the Unit.

ANALYSTS IN THE CUSTOMER BILLING ORGANIZATION

The Employer presented evidence with respect to 14 Analysts-Business (referred to herein as Business Analysts) and 11 Analysts-Program/Project (referred to herein as Program/Project Analysts) in the Customer Billing Organization. Some of these analysts work at the Rancho Cucamonga facility and some of them work at the Covina facility. The Petitioner does not seek to represent these employees.

BUSINESS ANALYSTS

The Business Analysts in the Billing Organization perform a quality assurance role. They review accounts of the Accounting Assistants and the Customer Solutions Representatives and provide their findings to supervisors. They may provide some coaching to the employees. The Business Analysts may proceed and correct problems they encounter, actually performing the same work as the Customer Solutions Representative and/or Accounting Assistant. They make these corrections themselves if the problem is serious or if the Customer Solutions Representative or Accounting Assistant is not available. There is no evidence that the role of the Business Analysts in reviewing accounts has any direct effect on the wages, hours, or terms and conditions of employment of the Customer Solutions Representatives or Accounting Assistants. The Customer Solutions Representatives and Accounting Assistants may ask the Business Analysts for assistance when they encounter difficulty.

The Business Analysts spend most of their time reviewing and assisting Customer Solutions Representatives and Accounting Assistants and spend about 5-10% of their time actually performing the same work as the Accounting Assistants and Customer Solutions Representatives. When there is a backlog, the Employer uses Business Analysts to perform routine billing functions. For example, Business Analysts performed routine billing work for over a year in connection with the backlog of billing due to the implementation of the CSS. Many of the Business

Analysts have progressed from the positions of Accounting Assistants and Customer Solutions Representatives.

The Business Analysts have knowledge and skills concerning rates, tariffs, policies and procedures similar to those of the other unit employees. They also have regular contact with the Account Assistants and Customer Solutions Representatives. In addition, they are subject to the same Employer-wide personnel policies and procedures.

PROGRAM/PROJECT ANALYSTS

The Program/Project Analysts review output from interval meters, a more complex metering system. Their work is integrated with the work of the Customer Solutions Representatives in that they provide the Customer Solutions Representatives with the results of the meter reviews so that a proper bill can be prepared. They work with the Customer Solutions Representatives to ensure that the billing is accurate. If they notice an unexplained deviation in the meter output for a customer, they may work with an experienced Customer Solutions Representative to determine whether there has been a change in the customer's usage, such as taking a particular production plant off-line, that would explain the deviation. The Program/Project Analysts may themselves make changes to the usage reflected in the system before the bill goes out, or they may work with a Customer Solutions Representative, who makes the change in the system. Although some Program/Project Analysts are former Accounting Assistants and Customer Solutions Representatives, others were hired into the position from outside the organization.

From the above-described evidence concerning the Business Analysts and the Program/Project Analysts in the Customer Billing Organization, I would conclude that these employees share a community of interest with the other unit employees and should be included in the Unit. However, at the hearing, in response to questions on cross-examination, the Manager of Retail Billing testified that the

evidence presented concerning the analysts in the Customer Billing Organization relates only to the 25 analysts classified as Business Analysts and Program/Project Analysts who perform work closely with the unit employees. Apparently, there are other employees classified as Business Analysts and Program/Project Analysts in the Customer Billing Organization who do not work closely with unit employees. It does not appear that the Employer is seeking to include those other analysts. The record is unclear with respect to the job functions of the other analysts and I am unable to make a determination as to whether they should be included in the Unit. Moreover, since they share the same job title, I am not able to clearly identify in a unit description which of the Business Analysts and Program/Project Analysts in the Customer Billing Organization should be included in the Unit. Therefore, I shall permit all of the Business Analysts and Program/Project Analysts in the Customer Billing Organization to vote under challenge.

There are approximately 878 employees in the unit I have found to be appropriate. This number excludes the analysts in the Consumer Billing Organization, who I will permit to vote under challenge.

- 4/ The Petitioner has indicated its willingness to proceed to an election in whatever unit I find to be appropriate. Inasmuch as I have directed an election in a unit that is substantially larger than the petitioned-for unit, the Direction of Election is conditioned upon the Petitioner providing to the undersigned an adequate showing of interest among the employees in the unit found appropriate no later than 14 days after the date of this decision. See *Federal Electric Corporation Western Test Range*, 157 NLRB 1131, fn 7 (1966).
- 5/ In accordance with Section 102.67 of the Board's Rules and Regulations, as amended all parties are specifically advised that the Regional Director will conduct the election when scheduled, even if a request for review is filed, unless the Board expressly directs otherwise.

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